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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,228	11/21/2000	Denise L. Draper	337298002US	8365

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 08/19/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,228

Applicant(s)

DRAPER ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 52-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 52-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-51, drawn to a data structure defining a query language and transforming the results of the query, classified in class 707, subclass 4.
 - II. Claims 52-57, drawn to generating a data structure, classified in class 707, subclass 102.
 - III. Claims 58-64, drawn to manipulating a data structure by adjusting a query expression, classified in class 707, subclass 101.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are classified separately.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I and II is not required for Group III, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Mr. Maurice Pirio (registration no. 33,273) on August 8, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-51. Affirmation of this election must be made by applicant in replying to this Office action. Claims 52-64 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "211, 212, 213, 220, 221 and 232" has been used to designate multiple views, note figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because a descriptive textual label is needed for elements 602, 605 and 606 (see figure 6). Note 37 CFR 1.84 (n) (o). A proposed drawing correction or corrected drawings are required in reply to the Office action to

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avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4 and 19, the data type definition of XML is vague and unclear [note: claims 4 and 19]. It is unclear as to how the claim limitation of the data type relates to the example in the disclosure. Steps appear to be missing.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1-3, 5-17, and 20-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Yalcinalp (US Patent 6,507,857 B1).

Regarding claim 1, **Yalcinalp** teaches a computer-readable medium containing a data structure defining a query definition [abstract], the data structure including:

a query specification including query text and parameters, the parameters having values that may be set when the query definition is executed [see: define external component to XSLT processor step 505 and step 525 pass arguments defined, figure 5; col. 7 lines 34-44 "various parameters and arguments may be associated with the component"]; and

a results transform that transform results of executing the query specification into a canonical format [see: element 106 transformation engine figure 1; col. 8 lines 49-61]; and

a data source identifier that identifies a data source to be used when the query specification is executed [note: figure 2; col. 5 lines 7-60].

10. Regarding claims 2-3 and 5-10:

"wherein the results transform is an XSL transform" ... "wherein the data structure is represented in XML format" ... "wherein the data structure includes a name ... a description ... an author ... date last modified ... can be used for different applications" [note: figure 2; col. 2 lines 23-64; col. 6 line 43 through col. 7 line 13].

11. Regarding claims 11-17, the limitations have been addressed above in claims 1-3 and 5-10, except for the following: "transforming the generated results in the raw format to a canonical format" ... "updating the value of the parameter wherein the value is stored with the query specification" [see: note transformation steps figure 6 steps 305 and 310; figure 4 step 425; col. 6 line 43 through col. 7 line 26].

12. Regarding claim 20, "computer-based method for performing queries ... under control of different application programs ... receiving an indication of a query definition" [see: col. 4 lines 61-67].

13. Regarding claims 21-26 and 27-34 the limitations parallel claims 11-17 and 1-10; therefore they are rejected under the same rationale.

14. Regarding claim 35, "receiving a query definition that includes a query specification ... requesting execution of the query definition to generate results" [note: figure 3-5].

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15. Regarding claims 36-44, these limitations have been addressed above except for the following: "wherein the query definition is a lens file ... a single file" [note: XML document col. 5 lines 7-67].

16. The limitations of claims 45-51 have been addressed above in claims 1-3 and 5-10; therefore they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 4 , 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalcinalp (US Patent 6,507,857 B1) in view of Chen et al. (US Patent 6,507,856 B1).

Claim 4, Yalcinalp teaches the invention substantially as applied to claims 1; however Yalcinalp does not specifically teach wherein the data structure conforms with the data type definition of XML as cited in the algorithm. Chen teaches an algorithm that conforms to the XML data type definition [note: DTD parser 315 and merge algorithm 335, cover figure]. It would have been obvious to one of ordinary skill at the time of the invention to have used Chen's merge algorithm because it would allow efficient mapping of the XML values.

19. Regarding claims 18 and 19, Yalcinalp does not specifically show a table of elements with one or more rows. Chen depicts this feature [note: figure 8]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Chen with Yalcinalp because Chen shows how the mapped elements are saved and arranged in a table.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fernandez et al. US Patent 6,604,100 B1

Kumar et al. US Patent 6,343,287 B1

Draper et al. US Patent 6,581,062 B1

Britton et al. US Patent 6,535,896 B2

Sundaresan US Patent 6,487,566 B1

Konopnicki et al., *A Comprehensive Framework for Querying and Integrating
WWW Data and Services*


21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-5657 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
August 12, 2003